

**ENTERED**

March 22, 2017

David J. Bradley, Clerk

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISION

JAVIER CISNEROS,  
Petitioner,

VS.

UNITED STATES OF AMERICA,  
Respondent.

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CIVIL NO. B-17-036  
(CRIMINAL NO. B-94-181-13)

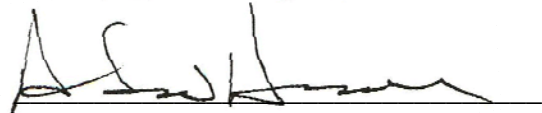
**ORDER**

On February 15, 2017, the United States Magistrate Judge filed a Report and Recommendation [Doc. No. 5]. Petitioner has objected [Doc. No. 10] to said Report and Recommendation.

Petitioner's Motion for Enlargement of Time to File Objections to Magistrate's Report and Recommendation [Doc. No. 9] is granted and the objections filed in Civil Cause No. B-17-036 (Document No. 10) have been considered. The Motion for Reassignment of Case to a District Judge or a New Magistrate Judge in Criminal Cause No. B-94-181-13 [Document No. 787] is denied, although a practical matter, the undersigned is a United States District Judge so the Report and Recommendation process has effectively placed this matter before a United States District Judge. Having considered *de novo* the Magistrate Judge's Report and Recommendation and the issues raised by Petitioner's objections, the Court hereby adopts the Report and Recommendation. Petitioner Javier Cisneros' § 2255 petition [Doc. No. 1] is dismissed for lack of jurisdiction as a successive petition, and the Court prohibits Cisneros from filing any future collateral attacks on his

conviction unless given permission by the Fifth Circuit Court of Appeals. The issuance of a Certificate of Appealability is denied.

Signed this 22<sup>nd</sup> day of March, 2017.

A handwritten signature in black ink, appearing to read 'A. S. Hanen', written over a horizontal line.

Andrew S. Hanen  
United States District Judge